THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO.30102 of 1998

DATED: 09-04-2007

Between:-

R. Vasundharamma and 3 others

.. Petitioners

and

The Commissioner,
Survey, Settlements and Land Records,
A.P. Hyderabad and 5 others.

.. Respondents

ORDER:

This writ petition is filed seeking a *mandamus* to declare the order of first respondent - Commissioner, Survey, Settlements and Land Records, dated 28-05-1998, in Case No.CSS&LR's Ref.No.P3/3103/84, as arbitrary and illegal; and consequently to direct the respondents not to interfere with the possession of petitioners in respect of the patta granted by third respondent, dated 31-03-1969, in S.R.No.68/11 (a)/68/CTR.

2. The facts of the case, in brief, are: One R. Venkat Reddy, who is none other than the father of fourth petitioner herein, made an application to the Mahant of Hathi Ramji Mutt, Tirupathi, the Inamdar of Srinivasanagaram village of Karakambadi group of Estate villages on 15-02-1944 for grant of patta in respect of the lands admeasuring Acs.230-00 cents situated in Srinivasanagaram village. The Estate authorities granted Takid patta in his favour on 05-08-1944. Out of the said Acs.230-00 cents, he cultivated an extent of Acs.159-64 cents, as an extent of Acs.21-15 cents was covered by a tank, and the remaining extent of Acs.50-00 cents was not actually cultivated except stray cultivation now and then with dry crops. Later, out of the said Acs.159-64 cents, he leased out an extent of Acs.130-00 to ten lessees and the remaining extent of Acs.29-64 cents was cultivated by him personally. The said Estate was taken over by the Government under the provisions of Act XVI of 1948 on 09-08-1960. Subsequently, on an application, dated 01-12-1962, by the said Venkat Reddy, third respondent – Settlement Officer, Nellore granted ryotvari patta in his

favour vide orders dated 31-03-1969 in respect of an extent of Acs.159-64 cents only and rejected the claim for remaining land on the ground that the rest of the land was communal land. Assailing the said orders, fourth respondent – District Collector, Chittoor District filed a revision before second respondent – Director of Settlements, Hyderabad, and second respondent, vide orders dated 09-08-1971, dismissed the revision on the ground of delay. Against the said order, no further revision was filed before the Board of Revenue. However, second respondent – Director of Settlements, at the instance of fourth respondent – District Collector, entertained *suo motu* proceedings against the orders, dated 31-03-1969, passed by third

respondent – Settlement Officer on various grounds and accordingly issued a notice, dated 01-04-1972, and passed an order, dated 15-05-1975, in R.P.No.22 of 1974 quashing the order, dated 31-03-1969, passed by third respondent. Aggrieved thereby, the said R. Venkat Reddy preferred a revision petition before the Commissioner of Survey and Settlements, Board of Revenue, Andhra Pradesh, Hyderabad on 02-06-1975 and the Commissioner passed an order dated 19-10-1978. Subsequently, it appears when the order, dated 19-10-1978, was challenged before this Court in W.P.No.6028 of 1979, this Court, while remanding the matter to first respondent – Commissioner, Survey, Settlements and Land Records, quashed CSS&LR's orders, dated 19-10-1978, in File No.P3/1188/75 and directed the first respondent to bring the legal representatives of the initial revisionist (R. Venkat Reddy) on record and dispose of the revision according to law. Pursuant to the said orders, first respondent after re-considering the entire material on record, passed an order dated 25-05-1998 in Case No.CSS&LR's Ref.No.P3/3103/84, dated 25-05-1998. Assailing the said orders, petitioners, who are the legal representatives of the said R. Venkat Reddy approached this Court and filed the present writ petition.

3. Despite the fact that notices are served on respondents, they have not chosen to file counter affidavit.

4. Heard the learned counsel for the parties.

5. Evidently, the third respondent – Settlement Officer, after holding an enquiry, granted patta in favour of the said R. Venkat Reddy under Section 11-A of the Estates Abolition Act and the same was challenged by the fourth respondent – District Collector before the second respondent – Director of Settlements, Hyderabad by way of revision. The Director of Settlements, after hearing all the parties concerned, by his order dated 09-08-1971, dismissed the said revision. Thus, the said orders have become final and no further revision was carried out by the Government questioning the said orders. Thereafter, another Director of Settlements, after assuming the charge, *suo motu* reopened the matter and passed an order on 15-05-1975 setting aside the orders passed by the Settlements Officer, which in my considered view, is without jurisdiction. In fact, in matters of this nature, though there is no limitation prescribed under the statute, the authorities shall be diligent enough and initiate proceedings at the earliest. It does not mean that they can wake up and initiate *suo motu* revisional jurisdiction at any time as per their will and pleasure. In the instant case, as stated supra, though once the Director of Settlements dismissed the revision preferred by the District Collector on 09-08-1971, again *suo motu* proceedings were taken up and an order, dated 15-05-1975, was passed quashing the order, dated 31-03-1969, passed by third respondent. In a case of this nature, a Division Bench of this Court in **A. KODANDA RAO v. GOVT. OF A.P.**[1] held that the *suo motu* revisional jurisdiction shall be exercised within a reasonable period, but not at the will and pleasure of the

authorities. That apart, when looked at the facts in the instant case, as already stated, when once a Director of Settlements has taken the view that the patta granted in favour of the said R. Venkat Reddy is perfectly valid, the question of initiating *suo motu* jurisdiction by another Officer is not permitted.

6. Accordingly, the writ petition is allowed and the orders, dated 15-05-1975, passed by the second respondent – Director of Settlements and the order, dated 28-05-1998, passed by the first respondent – Commissioner of Survey and Settlements and Land Records are set aside. No costs.

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GOPALA KRISHNA TAMADA, J

9th April, 2007
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[1] 1981(2) APLJ (HC) 158